



# House of Representatives

General Assembly

**File No. 92**

January Session, 2011

House Bill No. 6159

*House of Representatives, March 21, 2011*

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING TECHNICAL REVISIONS TO ENVIRONMENT RELATED STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 15-140q of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (c) If the person arrested refuses to submit to such test or analysis,  
5 or submits to such test or analysis and the results of such test or  
6 analysis indicate that at the time of the alleged offense such person had  
7 an elevated blood alcohol content, the peace officer shall immediately  
8 revoke the safe boating certificate, right to operate a vessel that  
9 requires a safe boating certificate for operation or certificate of  
10 personal watercraft operation, if any, of such person for a twenty-four-  
11 hour period. The peace officer shall prepare a written report of the  
12 incident and shall mail the report, together with any certificate taken  
13 into possession and a copy of the results of any chemical test or  
14 analysis, to the commissioner within three business days. The report

15 shall be made on a form approved by the commissioner and shall be  
16 subscribed and sworn to under penalty of false statement as provided  
17 in section 53a-157b by the peace officer before whom such refusal was  
18 made or who administered or caused to be administered such test or  
19 analysis. If the person arrested refused to submit to such test or  
20 analysis, the report shall be endorsed by a third person who witnessed  
21 such refusal. The report shall set forth the grounds for the officer's  
22 belief that there was probable cause to arrest such person for operating  
23 such vessel while under the influence of intoxicating liquor or any  
24 drug, or both, or while such person has an elevated blood alcohol  
25 content and shall state that such person refused to submit to such test  
26 or analysis when requested by such peace officer or that such person  
27 submitted to such test or analysis and the results of such test or  
28 analysis indicated that such person at the time of the alleged offense  
29 had an elevated blood alcohol content.

30 Sec. 2. Section 15-170 of the general statutes is repealed and the  
31 following is substituted in lieu thereof (*Effective from passage*):

32 For the purposes of this section and sections 15-171 to 15-175,  
33 inclusive:

34 [(a)] (1) "Discharge" means spill, leak, pump, pour, emit, empty or  
35 dump;

36 [(b)] (2) "Docking facility" means any public, private or commercial  
37 marina, yacht club, dock, wharf or in-water mooring used for  
38 anchoring, berthing, mooring, serving or otherwise handling vessels,  
39 and includes a facility organized as a common interest community;

40 [(c)] (3) "Marine sanitation device" means any equipment for  
41 installation on board a vessel which is designed to receive, retain, treat  
42 or discharge sewage;

43 [(d)] (4) "Sewage" means human body wastes and the wastes from  
44 toilets and other receptacles intended to receive or retain body wastes;

45 [(e)] (5) "Vessel" means every description of watercraft, other than a

46 seaplane on water, used or capable of being used as a means of  
47 transportation on water; and

48 [(f)] (6) "No discharge zone" means those bodies of water in this  
49 state that the United States Environmental Protection Agency  
50 designates as no discharge areas pursuant to 33 USC 1322.

51 Sec. 3. Subsection (g) of section 16a-21b of the general statutes is  
52 repealed and the following is substituted in lieu thereof (*Effective from*  
53 *passage*):

54 (g) Not later than February 1, 2012, and each year thereafter, the  
55 Commissioner of Consumer Protection, in consultation with the  
56 Distillate Advisory Board, shall submit a report, in accordance with the  
57 provisions of section 11-4a, to the joint standing committees of the  
58 General Assembly having cognizance of matters relating to energy and  
59 the environment on the progress in meeting the requirements of this  
60 section and on any [affect] effect that such requirements may have on  
61 the price or supply of heating oil in this state.

62 Sec. 4. Section 21a-24a of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective from passage*):

64 (a) As used in this section:

65 (1) "Acidified food product" means a food item, with a pH value of  
66 4.6 or less upon completion of the recipe for such product, including,  
67 but not limited to, pickles, salsa and hot sauce, produced on the  
68 premises of a residential farm. "Acidified food products" does not  
69 include food consisting in whole or in part of milk or milk products,  
70 eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or  
71 other ingredients, including synthetic ingredients, in a form capable of  
72 supporting rapid and progressive growth of infectious or toxigenic  
73 microorganisms.

74 (2) "Jam" means a food, with a pH value of 4.6 or less, made by  
75 cooking fruit or vegetables with sugar to a thick mixture.

76 (3) "Jelly" means a food, with a pH value of 4.6 or less, made by  
77 cooking fruit or vegetable juice that has been boiled with sugar.

78 (4) "Preserves" means a food, with a pH value of 4.6 or less,  
79 consisting of fruit or vegetables preserved whole by cooking with  
80 sugar.

81 (5) "Residential farm" means property (A) being utilized as a farm,  
82 as defined in subsection (q) of section 1-1, and (B) serving as the  
83 primary residence of the owner of such property.

84 (b) Notwithstanding the provisions of sections 21a-91 to 21a-120,  
85 inclusive, and section 19-13-B40 of the regulations of Connecticut state  
86 agencies, the preparation and sale of acidified food products, jams,  
87 jellies or preserves on a residential farm shall be allowed in a room  
88 used as living quarters and exempt from inspection by any state or  
89 local agency, provided such acidified food products, jams, jellies or  
90 preserves are prepared with fruit or vegetables grown on such farm  
91 and in the case of acidified [foods] food products, provided (1) the  
92 water supply of such residential farm comes from a public water  
93 supply system or, if from a private well, is tested and tests negative for  
94 coliform bacteria, (2) a pH test of such [foods] acidified food products  
95 is performed by a laboratory after completion of the recipe for such  
96 [product] acidified food products, (3) use of the kitchen where such  
97 [foods] acidified food products are prepared is restricted from  
98 nonprocessing individuals, pets, children or any other potential  
99 contaminants during such preparation, and (4) the preparer of such  
100 [foods] acidified food products (A) possesses documentation of such  
101 preparer's successful completion of an examination concerning safe  
102 food handling techniques administered by an organization approved  
103 by the Department of Public Health for qualified food operators, or  
104 possesses documentation indicating successful completion of an  
105 approved course concerning safe food processing techniques  
106 administered by an organization approved by the Department of  
107 Consumer Protection, and (B) such documentation is made available to  
108 the local health department or the Department of Consumer Protection

109 upon request. If the local health department or the Department of  
110 Public Health has reason to believe that a private well used pursuant  
111 to subdivision (1) of this subsection may be contaminated with  
112 coliform bacteria, such department may require such private well to be  
113 retested for the presence of coliform bacteria. Each container of  
114 acidified food products, jam, jelly or preserves offered for sale on such  
115 farm shall have on its label, in ten-point type: "Not prepared in a  
116 government inspected kitchen".

117 Sec. 5. Subsection (b) of section 22a-245a of the general statutes is  
118 repealed and the following is substituted in lieu thereof (*Effective from*  
119 *passage*):

120 (b) (1) Any reimbursement of the refund value for a redeemed  
121 beverage container shall be paid from the deposit initiator's special  
122 account, with such payment to be computed, subject to the provisions  
123 of subdivision (2) of this subsection, under the cash receipts and  
124 disbursements method of accounting, as described in Section 446(c)(1)  
125 of the Internal Revenue Code of 1986, or any subsequent  
126 corresponding Internal Revenue Code of the United States, as  
127 amended from time to time.

128 (2) A deposit initiator may petition the Commissioner of Revenue  
129 Services for an alternate method of accounting by filing with such  
130 deposit initiator's return a statement of objections and other proposed  
131 alternate method of accounting, as such deposit initiator believes  
132 proper and equitable under the circumstances, that is accompanied by  
133 supporting details and proof. The Commissioner of Revenue Services  
134 shall promptly notify such deposit initiator whether the proposed  
135 alternate method is accepted as reasonable and equitable and, if so [.]  
136 accepted, shall adjust such deposit initiator's return [.] and payment of  
137 reimbursement [.] accordingly.

138 Sec. 6. Subsection (c) of section 22a-245a of the general statutes is  
139 repealed and the following is substituted in lieu thereof (*Effective from*  
140 *passage*):

141 (c) (1) Each deposit initiator shall submit a report on March 15, 2009,  
142 for the period from December 1, 2008, to February 28, 2009, inclusive.  
143 Each deposit initiator shall submit a report on July 31, 2009, for the  
144 period from March 1, 2009, to June 30, 2009, inclusive, and thereafter  
145 shall submit a quarterly report for the immediately preceding calendar  
146 quarter one month after the close of such quarter. Each such report  
147 shall be submitted to the Commissioner of Environmental Protection,  
148 on a form prescribed by the commissioner and with such information  
149 as the commissioner deems necessary, including, but not limited to:  
150 (A) The balance in the special account at the beginning of the quarter  
151 for which the report is prepared; (B) a list of all deposits credited to  
152 such account during such quarter, including all refund values paid to  
153 the deposit initiator and all interest, dividends or returns received on  
154 the account; (C) a list of all withdrawals from such account during  
155 such quarter, all service charges and overdraft charges on the account  
156 and all payments made pursuant to subsection (d) of this section; and  
157 (D) the balance in the account at the close of the quarter for which the  
158 report is prepared.

159 (2) Each deposit initiator shall submit a report on October 31, 2010,  
160 for the calendar quarter beginning July 1, 2010. Subsequently, each  
161 deposit initiator shall submit a quarterly report for the immediately  
162 preceding calendar quarter, on or before the last day of the month next  
163 succeeding the close of such quarter. Each such report shall be  
164 submitted to the Commissioner of Revenue Services, on a form  
165 prescribed by the [commissioner] Commissioner of Revenue Services,  
166 and with such information as the [commissioner] Commissioner of  
167 Revenue Services deems necessary, including, but not limited to, the  
168 following information: (A) The balance in the special account at the  
169 beginning of the quarter for which the report is prepared, (B) all  
170 deposits credited to such account during such quarter, including all  
171 refund values paid to the deposit initiator and all interest, dividends or  
172 returns received on such account, (C) all withdrawals from such  
173 account during such quarter, including all service charges and  
174 overdraft charges on such account and all payments made pursuant to  
175 subsection (d) of this section, and (D) the balance in such account at the

176 close of the quarter for which the report is prepared. Such quarterly  
177 report shall be filed electronically with the Commissioner of Revenue  
178 Services, in the manner provided by chapter 228g.

179 Sec. 7. Subsection (d) of section 22a-245a of the general statutes is  
180 repealed and the following is substituted in lieu thereof (*Effective from*  
181 *passage*):

182 (d) (1) On or before April 30, 2009, each deposit initiator shall pay  
183 the balance outstanding in the special account that is attributable to the  
184 period from December 1, 2008, to March 31, 2009, inclusive, to the  
185 Commissioner of Environmental Protection for deposit in the General  
186 Fund. Thereafter the balance outstanding in the special account that is  
187 attributable to the immediately preceding calendar quarter shall be  
188 paid by the deposit initiator one month after the close of such quarter  
189 to the Commissioner of Environmental Protection for deposit in the  
190 General Fund. If the amount of the required payment pursuant to this  
191 subdivision is not paid by the date seven days after the due date, a  
192 penalty of ten per cent of the amount due shall be added to the amount  
193 due. The amount due shall bear interest at the rate of one and one-half  
194 per cent per month or fraction thereof, from the due date. Any such  
195 penalty or interest shall not be paid from funds maintained in the  
196 special account.

197 (2) On or before October 31, 2010, each deposit initiator shall pay the  
198 balance outstanding in the special account that is attributable to the  
199 period from July 1, 2010, to September 30, 2010, inclusive, to the  
200 Commissioner of Revenue Services for deposit in the General Fund.  
201 Subsequently, the balance outstanding in the special account that is  
202 attributable to the immediately preceding calendar quarter shall be  
203 paid by the deposit initiator on or before the last day of the month next  
204 succeeding the close of such quarter to the [commissioner]  
205 Commissioner of Revenue Services for deposit in the General Fund. If  
206 the amount of the required payment pursuant to this subdivision is not  
207 paid on or before the due date, a penalty of ten per cent of the amount  
208 due and unpaid, or fifty dollars, whichever is greater, shall be

209 imposed. The amount due and unpaid shall bear interest at the rate of  
210 one per cent per month or fraction thereof, from the due date. Any  
211 such penalty or interest shall not be paid from funds maintained in  
212 such special account. Such required payment shall be made by  
213 electronic funds transfer to the [commissioner] Commissioner of  
214 Revenue Services, in the manner provided by chapter 228g.

215 Sec. 8. Subsection (f) of section 22a-245a of the general statutes is  
216 repealed and the following is substituted in lieu thereof (*Effective from*  
217 *passage*):

218 (f) The Commissioner of Revenue Services may examine the  
219 accounts and records of any deposit initiator maintained under this  
220 section or sections 22a-243 to 22a-245, inclusive, and any related  
221 accounts and records, including receipts, disbursements and such  
222 other items as the [commissioner] Commissioner of Revenue Services  
223 deems appropriate.

224 Sec. 9. Subsection (h) of section 22a-245a of the general statutes is  
225 repealed and the following is substituted in lieu thereof (*Effective from*  
226 *passage*):

227 (h) The provisions of sections 12-548, 12-550 to 12-554, inclusive, and  
228 [section] 12-555a shall be deemed to apply to the provisions of this  
229 section, except any provision of sections 12-548, 12-550 to 12-554,  
230 inclusive, and [section] 12-555a that is inconsistent with the provision  
231 in this section.

232 Sec. 10. Subsection (c) of section 23-15b of the general statutes is  
233 repealed and the following is substituted in lieu thereof (*Effective from*  
234 *passage*):

235 (c) On or before October 1, 2010, and semiannually thereafter, the  
236 Commissioner of Environmental Protection shall report to the Office of  
237 Fiscal Analysis on the state parks for which funds have been collected  
238 pursuant to subsection (a) of this section. Such report shall include (1)  
239 the amount of funds received into the maintenance, repair and



240 improvement account, itemized by subaccount, (2) the amount of  
241 funds the Department of Environmental Protection has expended from  
242 the account for each park, and (3) the projects for which such funds  
243 have been expended. Said commissioner shall post the same  
244 information on the department's Internet web site.

245 Sec. 11. Subsection (c) of section 23-26 of the general statutes is  
246 repealed and the following is substituted in lieu thereof (*Effective from*  
247 *passage*):

248 (c) The commissioner shall issue to any resident of the state, upon  
249 payment of a fee established by said commissioner, a nontransferable  
250 Connecticut private passenger motor vehicle pass which permits free  
251 parking throughout the calendar year at any state park, forest, boat  
252 launch or other state recreational facility provided the commissioner  
253 shall not be required to issue such a pass to any park, forest or facility  
254 which is wholly managed by a private concessionaire and may require  
255 payment of fees for special events. Not later than May 1, 2010, said  
256 commissioner shall establish the amount of such fee for residents of  
257 this state in an amount not greater than one hundred thirty-five per  
258 cent of the amount charged for such fee by said commissioner as of  
259 April 1, 2009. Not later than May 1, 2010, said commissioner shall  
260 establish the amount of such fee for nonresidents of this state in an  
261 amount not greater than one hundred fifty per cent of the amount  
262 charged for such fee by said commissioner as of April 1, 2009.

263 Sec. 12. Subsections (c) and (d) of section 26-6 of the general statutes  
264 are repealed and the following is substituted in lieu thereof (*Effective*  
265 *from passage*):

266 (c) Any conservation officer, special conservation officer or  
267 patrolman may, anywhere within the boundaries of the state, examine  
268 the contents of any boat, ship, automobile or other vehicle, box, locker,  
269 basket, creel, crate, game bag or game coat or other package in which  
270 he has probable cause to believe that any fish, crustacean, bird or  
271 quadruped is being kept, in violation of any said statutory provisions  
272 or any regulation issued by the commissioner, or any regulation issued

273 by the United States Fish and Wildlife Service as provided by section  
274 26-91, and to ascertain whether any provision of any law or any  
275 regulation for the protection of any fish, crustacean, bird or quadruped  
276 has been or is being violated, and [.] shall have the same authority as  
277 police officers to obtain and execute search warrants as provided for in  
278 sections 54-33a, 54-33b and 54-33c.

279 (d) Any conservation officer, special conservation officer or  
280 patrolman [.] may be appointed a special policeman under the  
281 provisions of section 29-18.

282 Sec. 13. Section 26-15 of the general statutes is repealed and the  
283 following is substituted in lieu thereof (*Effective from passage*):

284 The state of Connecticut assents to the provisions of the Act of  
285 Congress titled "Pittman-Robertson Wildlife Restoration Act",  
286 approved September 2, 1937, and the provisions of the Act of Congress  
287 titled "Dingell-Johnson Sport Fish Restoration Act", approved August  
288 9, 1950. The Commissioner of Environmental Protection is authorized  
289 and directed to perform such acts as may be necessary to the  
290 establishment and operation of cooperative fish and wildlife  
291 restoration projects, as defined in said acts of congress, in compliance  
292 with said [act] acts and with rules and regulations promulgated by the  
293 Secretary of the Interior thereunder, and no funds accruing to the state  
294 from license, permit, tag and stamp fees, other than the stamp fee paid  
295 pursuant to section 26-27b, paid by hunters, trappers and anglers,  
296 including, but not limited to, license fees paid by hunters pursuant to  
297 sections 26-28, 26-30, 26-31, 26-36, 26-48a, 26-86a and 26-86c, and real  
298 or personal property acquired with license, permit, tag and stamp fees,  
299 interest, dividends, or other income earned on license, permit, tag and  
300 stamp fees shall be diverted for any other purpose than to fund the  
301 programs and functions of the Bureau of Natural Resources within the  
302 Department of Environmental Protection, in accordance with 50 CFR  
303 80.4.

304 Sec. 14. Subsection (a) of section 32-324a of the general statutes is  
305 repealed and the following is substituted in lieu thereof (*Effective from*

306 *passage*):

307 (a) There is established an account to be known as the "Connecticut  
 308 qualified biodiesel producer incentive account", which shall be a  
 309 separate, nonlapsing account within the General Fund. The account  
 310 shall contain any moneys required by law to be deposited in the  
 311 account. The account may contain any moneys available from any  
 312 agency or department of the federal government or any state agency  
 313 for the purpose described in subsection (b) of this section. [Such] Said  
 314 account shall not terminate upon the lack of any funds in [such] said  
 315 account.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	15-140q(c)
Sec. 2	<i>from passage</i>	15-170
Sec. 3	<i>from passage</i>	16a-21b(g)
Sec. 4	<i>from passage</i>	21a-24a
Sec. 5	<i>from passage</i>	22a-245a(b)
Sec. 6	<i>from passage</i>	22a-245a(c)
Sec. 7	<i>from passage</i>	22a-245a(d)
Sec. 8	<i>from passage</i>	22a-245a(f)
Sec. 9	<i>from passage</i>	22a-245a(h)
Sec. 10	<i>from passage</i>	23-15b(c)
Sec. 11	<i>from passage</i>	23-26(c)
Sec. 12	<i>from passage</i>	26-6(c) and (d)
Sec. 13	<i>from passage</i>	26-15
Sec. 14	<i>from passage</i>	32-324a(a)

**ENV**      **Joint Favorable**

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which makes technical changes to the environmental statutes, does not result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

**HB 6159**

***AN ACT CONCERNING TECHNICAL REVISIONS TO  
ENVIRONMENT RELATED STATUTES.***

**SUMMARY:**

This bill makes technical changes to the environmental statutes.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 26 Nay 0 (03/09/2011)